

REMARKS

Prosecution has been reopened after the filing of the Appeal Brief of March 11, 2008.

Claims 1-7 and 10-19 have been newly rejected under 35 U.S.C. § 103 as being obvious over U.S. patent 4,551,372 (Kunert).

Applicants wish to thank Examiner Ferguson for the courtesy of an interview on October 15, 2008 at which time this rejection was discussed. No agreement was reached at that time, pending the examiners further review of the prior art.

Applicants pointed out during the interview that the claims recite a laminated glazing having a transparent second sheet, wherein a first sheet is offset in relation to the second sheet to form an exposed edge portion of the first sheet, an intercalated adhesive layer extends over a portion of at least the exposed edge portion of the first sheet, an intermediate element at least partially covers the intercalated adhesive layer at the exposed edge, and a cement element adheres at least partly to the intermediate element for securing the glazing to a body. For example, the illustrative intercalated adhesive layer 3 extends over the exposed edge portion of the first sheet 1, and the intermediate element 4 covers the intercalated adhesive layer 3.

On the other hand, the insert sheet 3 in Kunert is contained entirely in the space between the sheets 1-2 and does not extend beyond the second sheet 2 or over the exposed edge portion of the first sheet 1. Additionally, the opaque color layer 7 in Kunert, which is considered to be the claimed “intermediate element,” is partly covered by – but does not partly cover -- the intercalated adhesive layer at the exposed edge.

In response, the Examiner explained that the statement in the Office Action that Kunert teaches an adhesive layer extending over the exposed edge is based on the arrangement at the left side of Fig. 1; i.e., the region where the lead lines terminate for reference number 1-3. This was traversed by Applicants during the interview since one

skilled in the art would clearly understand that the left edge of the view in Fig. 1 terminates at an arbitrary location on the glazing for economy of illustration, and is not intended to show the actual arrangement at the left edge of the glazing. Moreover, the interpretation of the Office Action is inconsistent with the description in Kunert that

Sheet 2 is smaller than sheet 1 so that there is a difference of about 1 to 2 cm between their respective edges 4 and 5. Plastic sheet 3 ... has the same dimensions as sheet 2 and their edges are in the same plane. (Col. 3, lines 3-8).

Since the plastic sheet 3 has the “same dimensions” as the sheet 2, it does not extend over an exposed edge beyond this sheet at any of its sides. Thus one skilled in the art would not have interpreted Kunert to teach an adhesive layer extending over the exposed edge of the larger sheet.

Claim 2 further recites that the exposed portion of the intercalated adhesive layer is totally covered by the intermediate element. This is also not taught in Kunert.

The opaque color layer 7 in Kunert is formed of a thin paste. Claims 5-7 recite that the intermediate element has a high tensile strength, which is inconsistent with such a paste; Claim 14 recites that it is a metal; and Claims 15-17 recite that it has reinforcing fibers. These differences cannot be dismissed as method limitations or the product of routine optimization since a coloring paste need not have strength. Thus the claims clearly define over Kunert.

Although it is not clear if Rothe was intended to form a secondary basis for the rejection (note discussion on page 3 of the Office Action), it is noted that the metal “other material” in Rothe refers to the vehicle body. See col. 9, line 44.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

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